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12 Attorneys for REORGANIZED DEBTORS

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IN RE:

18 THE RHODES COMPANIES, LLC,
19 aka "Rhodes Homes," *et al.*,

20 Reorganized Debtors.¹

21 Affects All Debtors

22 Affects the following Debtors:

23 Case No. BK-S-09-14814-LBR
(Jointly Administered)

24 Chapter 11

25 Date of Hearing: 1/6/2012
26 Time of Hearing: 9:30 a.m.

27 **NOTICE OF ENTRY OF ORDER APPROVING MOTION OF THE REORGANIZED
28 DEBTORS FOR ENTRY OF AN ORDER APPROVING SETTLEMENT BETWEEN
JAMES RHODES AND THE REORGANIZED DEBTORS**

29 NOTICE IS HEREBY GIVEN that the ORDER APPROVING MOTION OF THE
30 REORGANIZED DEBTORS FOR ENTRY OF AN ORDER APPROVING SETTLEMENT

31 _____
32 ¹ The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax identification
33 number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes
34 Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837);
35 Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730);
36 Tuscan Acquisitions, LLC (0206); Tuscan Acquisitions II, LLC (8693); Tuscan Acquisitions III, LLC (9777);
37 Tuscan Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963); C&J
38 Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes
39 Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers
40 Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642); Gung-Ho
41 Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscan Golf Country
42 Club, LLC (7132); Pinnacle Grading, LLC (4838).

1 BETWEEN JAMES RHODES AND THE REORGANIZED DEBTORS, was entered herein on
2 this Court's docket on January 11, 2012, as Document No. 1631. A copy of said Order is
3 attached hereto.

4 DATED this 11th day of January, 2012.

5 **KOLESAR & LEATHAM.**

6
7 By: 
8 NILE LEATHAM, Esq.
9 Nevada Bar No. 002838
10 SHLOMO S. SHERMAN, Esq.
11 Nevada Bar No. 009688
12 400 South Rampart Boulevard, Suite 400
13 Las Vegas, Nevada 89145

14
15 Attorneys for REORGANIZED DEBTORS

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17 **CERTIFICATE OF SERVICE**

18 1. On January 11, 2012, I served the following document(s) (*specify*):

19
20 Notice of Entry of Order Approving Motion of the Reorganized Debtors for Entry
of an Order Approving Settlement Between James Rhodes and the Reorganized
Debtors

21 2. I served the above-named document(s) by the following means to the persons as listed
22 below:

23
24 (Check all that apply)

25 a. **ECF System (You must attach the "Notice of Electronic Filing," or list all**
persons and addresses and attach additional paper if necessary)

26 KEVIN N. ANDERSON on behalf of Creditor JAMES RHODES
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ldupree@foxrothschild.com

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3 SHIRLEY S. CHO on behalf of Debtor THE RHODES COMPANIES, LLC
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24 LLC
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28 REW R. GOODENOW on behalf of Creditor CREDITORS COMMITTEE
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29 JAMES D. GREENE on behalf of Plaintiff EUGENE DAVIS
30 jgreen@greenieinfusolaw.com, fritchie@greenieinfusolaw.com;
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33 KIRBY C. GRUCHOW on behalf of Creditor NEVADA POWER
34 COMPANY
35 hkelley@leachjohnson.com

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39 Class Plaintiffs
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2 Branch

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11 law@lawyersinarizona.com, bank@lawyersinarizona.com

12 BART K. LARSEN on behalf of Creditor Reef Colonial, LLC
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15 ZACHARIAH LARSON on behalf of Debtor APACHE FRAMING, LLC
16 cshurtliff@maclaw.com, sstanton@maclaw.com; akosina@maclaw.com;
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18 NILE LEATHAM on behalf of Creditor STEERING COMMITTEE OF
19 SENIOR SECURED LENDERS

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22 ANNE M. LORADITCH on behalf of Creditor JAMES RHODES
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25 VIRGINIA CRONAN LOWE on behalf of Creditor UNITED STATES OF
26 AMERICA - INTERNAL REVENUE SERVICE
27 virginiacronan.lowe@usdoj.gov, Western.Taxcivil@usdoj.gov

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5 LV - 11
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11 brianshapiroesq@yahoo.com; bshapiro@brianshapirolaw.com;
12 candice@brianshapirolaw.com; jessie@brianshapirolaw.com

13 SHLOMO S. SHERMAN on behalf of Interested Party REORGANIZED
14 DEBTORS
15 ssherman@klnevada.com, bankruptcy@klnevada.com;
16 bbroussard@klnevada.com

17 ROSA SOLIS-RAINEY on behalf of Defendant DELOITTE & TOUCHE
18 LLP
19 rsr@morrislawgroup.com, bkv@morrislawgroup.com

20 MARK R. SOMERSTEIN on behalf of Creditor WELLS FARGO BANK,
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22 mark.somerstein@ropesgray.com

23 ELIZABETH E. STEPHENS on behalf of Attorney SULLIVAN HILL
24 LEWIN REZ & ENGEL
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28 stein@sullivanhill.com; iriarte@sullivanhill.com;
benoit@sullivanhill.com; ggarcia@sullivanhill.com

19 JEFFREY R. SYLVESTER on behalf of Creditor CREDIT SUISSE,
20 CAYMAN ISLANDS BRANCH
21 jeff@sylvesterpolednak.com

22 TIMOTHY P. THOMAS on behalf of Creditor STEERING COMMITTEE
23 OF SENIOR SECURED LENDERS
24 , veralynn@tthomaslaw.com

25 U.S. TRUSTEE - LV - 11
26 USTPRegion17.lv.ecf@usdoj.gov

27 DONALD H. WILLIAMS on behalf of Creditor Westar Kitchen & Bath,
28 LLC
29 DonaldHWilliamsLaw@gmail.com, taylor sellers@gmail.com

30 GREGORY F WILSON on behalf of Witness SANTORO, DRIGGS,
31 WALCH, KEARNEY, HOLLEY & THOMPSON
32 gfwilson@wilsonquint.com, pwilson@wilsonquint.com

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2 OMAHA BANK
3 mbw@slwlaw.com, ef@slwlaw.com

4 MICHAEL YODER on behalf of Other Prof. THE LITIGATION TRUST
5 OF THE RHODES COMPANIES, LLC
6 myoder@diamondmccarthy.com, cburrow@diamondmccarthy.com

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- b. **United States mail, postage fully prepaid**
(List persons and addresses. Attach additional paper if necessary)
- c. **Personal Service** (*List persons and addresses. Attach additional paper if necessary*)

I personally delivered the document(s) to the persons at these addresses:

- For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.
- For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

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- d. **By direct email (as opposed to through the ECF System)**
(List persons and email addresses. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

- e. **By fax transmission** (*List persons and fax numbers. Attach additional paper if necessary*)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

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1 f. **By messenger (List persons and addresses. Attach additional paper if
2 necessary)**

3 I served the document(s) by placing them in an envelope or package
4 addressed to the persons at the addresses listed below and providing them to
5 a messenger for service. **(A declaration by the messenger must be attached
6 to this Certificate of Service).**

7 I declare under penalty of perjury that the foregoing is true and correct.

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1091492.doc (7540-1) Cindy Kish
Declarant

KOLESAR & LEATHAM
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1
2 Honorable Linda B. Riegle
3 United States Bankruptcy Judge

4 Entered on Docket
January 11, 2012

5
6
7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF NEVADA**
9 **SOUTHERN DIVISION**

10 **IN RE:**

11 **THE RHODES
COMPANIES, LLC,
aka "Rhodes Homes," et al.,**

12 **Reorganized Debtors.¹**

13 § **Case No. 09-14814-LBR
(Jointly Administered)**

14 § **Chapter 11**

15 **Hearing Date: January 6, 2012
Hearing Time: 9:30 a.m. (PST)
Courtroom 1**

16 **Affects:**
17 **All Debtors**
18 **Affects the following
Debtor(s)**

19 **ORDER APPROVING MOTION OF THE REORGANIZED DEBTORS FOR
ENTRY OF AN ORDER APPROVING SETTLEMENT BETWEEN JAMES
RHODES AND THE REORGANIZED DEBTORS**

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21
22
23 ¹ The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax
24 identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC
25 (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281);
26 Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf
27 and Country Club (9730); Tuscany Acquisitions, LLC (0206); Tuscany Acquisitions II, LLC (8693); Tuscany
28 Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design
and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090);
Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC
(8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited
Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897);
Apache Framing, LLC (6352); Tuscany Golf Country Club, LLC (7132); Pinnacle Grading, LLC (4838).

Upon consideration of the *Motion of the Reorganized Debtors for Entry of an Order Approving Settlement Between James Rhodes and the Reorganized Debtors* (the “Motion”) [Docket No. 1615], and good cause appearing,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Settlement² is approved, and the Settled Claims shall be allowed in the amount of \$500,000 for all purposes under the Plan as more specifically set forth in the Motion.
3. The Reorganized Debtors are authorized to take such actions as may be reasonably necessary to consummate the Settlement.

DATED this 9th day of January, 2012.

PREPARED AND SUBMITTED BY:

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² Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Motion.

LR 9021(c) CERTIFICATION:

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

The court has waived the requirement set forth in LR 9021(b)(1).

No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: Kevin N. Anderson – *Approved*;

Unrepresented parties appearing: None;

Trustee: No Appearance at Hearing;

No additional Service required.

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

#

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27 *In re The Rhodes Companies, LLC*/Case No. BK-S-09-14814-LBR
28 Order Approving Motion of the Reorganized Debtors for Entry of An Order Approving Settlement
Between James Rhodes and the Reorganized Debtors